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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,926	10/20/2000	Douglas J. Cowell	00-5019	8386

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EXAMINER	
AGDEPPA, HECTOR A	
ART UNIT	**PAPER NUMBER**
2642	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/692,926	COWELL ET AL.	
	Examiner	Art Unit	
	Hector A. Agdeppa	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- . Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13,16-18,20-43 and 46-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13,16-18,20-43,46-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 6/8/05. Claims 1 – 13, 16 – 18, 20 – 43, and 46 - 51 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Newly amended claim 17 recites a switching configuration node for receiving data from a customer designation routing destinations for service request calls. However, nothing in the specification describes or resembles a switching configuration node. The specification has support for the previously claimed limitations of claim 17 which recite a service or switching node for example that receives a call and through which a calling party can make a service request regarding how to route his/her call. The newly added limitation seems merely further describe that requesting aspect. As

such, that service or switching node would be the only element necessary / described in the specification for receiving routing data.

For examination purposes, examiner assumes that the claimed "switching configuration node" is the same as the switching node that receives the service request from the calling party.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 17, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Newly amended claims 1, 17, and 31 all recite a customer AND a calling party. As claimed for example in claim 1, data is received from a customer and then, following this step, a call is received from a different calling party, after which the call from the calling party is routed according in part to customer data. From P. 6, line 26 of the specification, and as assumed by examiner for examination purposes, the claimed customer and calling party are one in the same entity. Therefore, the above claims do not accurately represent what applicant is disclosing in the specification, i.e., servicing one entity. Furthermore, as to at least claim 1, a method is recited wherein data is received from an entity before a call is ever received from that entity.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1 – 7, 9 – 13, 17, 18, 20 – 26, 31 – 37, 39 – 43, and 47 - 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,405,033 (Kennedy, III et al.) in view of US 4,757,267 (Riskin)

As to claims 1 – 3, 17, 18, 20 – 22, and 31 - 33, Kennedy et al. teaches a system wherein a user makes a call from a mobile unit 12 to network switching center (NSC) 14, read as the claimed switching control node, to request any one of a number of services, for example, a roadside assistance service and an information service, read as the claimed first and second services. Also note that mobile switching centers (MSCs) 106 and 108 read on the claimed switching node from where a call is initiated.

(Figs. 1 and 6, Col. 2, lines 41 – 58, Col. 3, line 61 – Col. 4, line 22, Col. 9, lines 49 – 65, Col. 10, lines 55 – 67)

Kennedy et al. also teaches that the services have various types, i.e., for roadside services, specifically, towing, taxi/shuttle, car dealership services, etc. and for information services, specifically news agencies, weather bureaus, travel services, etc., any of the aforementioned services read as the claimed type of the first service, second type of the first service, first type of the second service, etc. (Fig. 6, Col. 2, lines 30 – 40)

Lastly, Kennedy et al. teaches that dependant upon what service and service type is requested, the call will be routed to one of a plurality of service centers 16 that can accommodate/provide the requested service. (Col. 1, line 53 – Col. 2, line 29, Col. 4, lines 16 – 21, Col. 11, lines 22 – 42)

Note that while Kennedy et al. teaches as the usual embodiment, pressing a key or button on mobile unit 12 to request a service, see Fig. 10 and Col. 25, lines 31 – 45, wherein it is taught that connection to the various service centers 16 is ultimately made either via a voice/standard telephony number connection or a data connection using web addresses, IP addresses, or 800 numbers as well.

What Kennedy et al. does not teach is matching a trigger number to a predetermined trigger number and requesting selection of various services depending on whether or not the trigger number match up.

However, Riskin teaches a system wherein a caller may call into a directory/service center/routing center using for example, an 800 number that is

associated with a certain service/dealer and if the dialed number, i.e., the trigger number matches one of those 800 numbers, a caller will be connected to a service center/dealer handling the associated service. (Col. 15, line 55 – Col. 16, line 44 of Riskin)

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have combined the teachings of Kennedy et al. and Riskin inasmuch as both systems are drawn to servicing a call request via a plurality of service centers/call centers. Moreover, Riskin's teaching of a trigger number being "keyed"/associated with a specific service/service center is very old and well known and as already discussed, Kennedy et al. also teaches ultimately connecting to a service/service center using such a number, even though it is not specifically discussed as being such a trigger number. A trigger number as claimed and as taught in the specification, pages 7 – 8 is merely a number that is associated with a specific service/service center and allows for a more direct connection to that service/service center.

Riskin also teaches that if a given 800 number does identify a specific service/service center, an extension is required to further identify the service/service center, the caller wishes to effect or connect to. This is read as the claimed, trigger number not matching the predetermined trigger number and requesting the caller to further pick a type of service so that the service request can be properly identified and routed to the correct service center. (See the above reference cited in Riskin and also see Col. 6, lines 1 – 12 of Riskin).

Lastly, Riskin teaches that if a certain dealer is unavailable for some reason, alternative dealers are provided to the caller to connect to, read as the claimed plurality of related types. This is because if a dealer of flowers, for example, is unavailable, another dealer of flowers in the caller's location is provided to the caller. Also, if there are more than one nearby dealers of a certain desired product or service, the caller is presented with the different choices and is allowed to select one. (Col. 2, lines 37 – 58, Col. 3, lines 65 – 67, Col. 4, lines 4 – 11 of Riskin)

As to claims 4 – 6, 23, 24, and 34 – 36, Riskin teaches that a caller will be connected to one of a plurality of the closest dealers/service centers nearest to the caller, based on the calling number, and associated with either a state, city, zip code, etc. (Col. 2, line 37 – Col. 4, line 11, Col. 6, line 24 – Col. 7, line 8, and Col. 8, lines 13 – 55 of Riskin)

Kennedy et al. also teaches that a service call will be routed to an appropriate service center, depending upon where that mobile unit 12, caller is located. (Col. 2, lines 12 – 21 of Kennedy et al.)

As to claims 7, 9, 37, and 39, Riskin teaches the use of call record journals read as the claimed status log, wherein one of the recorded elements is whether a call was completed or not to a specific dealer, read as the claimed call status. (Col. 17, lines 35 – 55 of Riskin)

Riskin further teaches that if a first dealer cannot be reached, i.e., the dealer is presently busy or is simply not answering, the option is given to the caller of being connected to another dealer. Therefore, the status information is used to determine

where subsequent calls will be routed to in the sense that another dealer will be contacted to complete the service request instead. (Col. 8, lines 37 – 67 and Col. 19, lines 32 – 67 of Riskin)

As to claims 11 – 13, 26, and 41 - 43, as seen in both Riskin and Kennedy et al. (see the above noted references and figures), and as is well known in the call center arts, any of the plurality of service centers can be made to be an auxiliary service center. Such is a design choice or preference involving merely configuring a system as desired.

As to claims 47 – 49, such a feature merely describes a manual action by a customer and has nothing at all to do with the implementation of operation of the claimed invention. If a customer or calling party wishes to manually consult with a report or listen to certain data before making his/her request and base his/her request on that report or data, that is done before a call is even made. For the purposes of examination, examiner will still address the limitation.

As such, this limitation would be extremely obvious to one of ordinary skill in the art at the time the invention was made because such a limitation is common sense. If a customer or calling party hears that a certain business or service is in-operational, of course that customer or calling party would adjust his/her request accordingly. In Kennedy et al. for example, if a customer knows that all taxi cabs are on strike, he/she will not likely make a request asking to be connected to a taxi cab service provider or call center. Likewise if the customer or calling party has personal experience or reads somewhere that customer service for a service provider for telephony service is

inadequate, he/she will likely want to be directed to a different service provider for telephony service. Another example is commonly seen wherein sports fans will try to make calls to ticket brokers outside their local area(s) in order to have a better chance of getting through to a broker. Sports teams most always have the most popularity in the region or immediate locale. Therefore, calling ticket brokers locally or calling local ticket brokers usually results in more busy signals since the local traffic is jamming up lines. Not so in remote or other locales wherein tickets for that sports team is not as popular. Nearly any scenario can be contemplated.

5. Claims 10, 25, 40, 50, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,405,033 (Kennedy, III et al.), US 4,757,267 (Riskin), and further in view of US 5,404,350 (DeVito et al.)

As to claims 10, 25, and 40, Riskin has been discussed above as teaching that when a no answer or busy call results, a caller will be either automatically connected to another "near" dealer or will be given the option to connect to that other "near" dealer. The no answer or busy condition could be the result of a network error, and when such a condition is met, rerouting the call to another dealer, read as the claimed auxiliary service center is done.

Also, it is old and well known to have redundant systems wherein if one service center is detected as having a network fault condition associated therewith, transferring or rerouting the call to a redundant center. Such a system is taught by DeVito et al. wherein if a switch or carrier servicing a service center or ACD is inaccessible, as due to

a network fault, the caller is routed to an alternate service center, read as the claimed auxiliary service center. (Abstract, Col. 1, lines 30 – 61, Col. 2, lines 8 – 17 and Col. 2, line 55 – Col. 3, line 17, Col. 3, lines 33 – 41)

It would have been obvious for one of ordinary skill in the art to have combined the teachings of Kennedy, III et al., Riskin, and DeVito et al. because the very purpose of DeVito et al. is to employ a method of allowing a call to an inaccessible ACD system, such as those taught by Kennedy and Riskin, to be routed to an alternative ACD system.

As to claims 50 and 51, see the rejection of claims 10 and 47 – 49 and note that a fault condition in call centers is many times an overloaded condition. Such a scenario is described above as to claims 47 – 49.

6. Claims 8, 16, 27 – 30, 38, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,405,033 (Kennedy, III et al.), US 4,757,267 (Riskin), and further in view of US 2002/0076031 (Falcon et al.)

As to claims 8 and 38, Kennedy et al., Riskin, Fields, and Aoyama have been discussed above.

What they do not teach is status information including abandoned calls.

However, it is old and well known in the call center arts to address the issue of abandoned calls as taught by Falcon et al. (P. 1, ¶ 0002) Falcon et al. also teaches a system for connecting a caller making a service request to any number of agents, remote or local, servicing a plurality of call centers, taking and storing caller information

such as past caller history which would include any calls abandoned by a caller. (P. 3, ¶ 0025, 0028, 0029 of Falcon et al.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated such information in the combination of Kennedy et al. and Riskin inasmuch as this is common problem, and because it is also old and well known for service centers to provide a higher priority to a caller who previously abandoned a call in hopes of gaining their business and lessening a caller's frustration at having to abandon their call.

Furthermore, as already discussed above, Riskin teaches handling and recording call information/status such as no answer/busy calls which could be likened to an abandoned call inasmuch as Riskin teaches giving a caller the option to try their call again later. (Col. 19, lines 33 – 35 of Riskin)

Also, Kennedy et al. teaches considering call status such as priority status for emergency calls, for example, wherein a call having emergency priority status will receive expedited service. (Col. 11, lines 4 – 21 of Kennedy et al.)

Falcon et al. also teaches utilizing call status to properly route a call to the appropriate agent/call center. (P. 4, ¶ 0041 of Falcon et al.)

As to claims 16, 29, 30, and 46, Falcon et al. also teaches distinguishing between residential lines and business lines, as well as providing ISDN and ADSL service. (P. 3, ¶ 0025 and P. 4, ¶ 0039)

Note that Kennedy et al., Riskin, and Falcon et al. are not limited by the services and/or types of services that may be offered and in fact, contemplate their systems

being used for almost any service. Again, such is merely a design and preference choice. Therefore, requesting residential or business service would be obvious and is also old and well known as a distinction when requesting service – hence the distinction discussed above re: Falcon et al. Also, because ISDN and ADSL are well known protocols and configurations as taught by Falcon et al., such would also be obvious as a service type. Even applicant's claims suggest this flexibility and interchangeability between the services/service types.

7. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,405,033 (Kennedy, III et al.) in view of US 4,757,267 (Riskin) and further in view of US 4,839,916 (Fields et al.) and/or US 5,838,767 (Aoyama).

As to claims 27 and 28, Kennedy teaches diagnostic testing of any and all components or related system elements as well as testing to verify proper communications between mobile unit 12 and NSC 14. (Col. 9, line 49 – Col. 10, line 11 and Col. 19, lines 22 – 42 of Kennedy et al.)

What neither Kennedy et al. nor Riskin teach is determining whether a call is from a test generator and if not, continuing with the above-discussed steps.

However, it is extremely old and well known for systems of any sort to have the ability to detect when a call or action is real or when it is merely a test. Fields et al. and Aoyama teach such systems. (Col. 18, lines 1 – 23 of Fields et al. and Col. 2, lines 18 – m39 of Aoyama) It would have been obvious for one of ordinary skill in the art at the time the invention was made to have implemented such a test call check inasmuch as

both Fields et al. and Aoyama teach test call generators for use in testing a telecommunications system. Moreover, just generally, there is ample motivation for the ability to check whether a call is a test call or real. Determining whether or not a call is real would enable a user to save resources for example. Also, if for example, one considers an alarm system that should be tested, it would be desirable for the system to know when an alarm is a test alarm or actual so as not to incur subsequent action from the police or security. Moreover, in terms of statistics-gathering, it would be desirable for a telecommunications systems not to include test calls in actual data. These are simply a few motivations. Finally, the claimed "tests" that are claimed are commensurate with the operation of the system regarding receiving requests, properly processing those requests, etc. Therefore, any testing feature or test call generator would obviously be used to test such operation of the system. As noted above, tests or testing systems can be used to test nearly any aspect of a telephony system. Such is a design choice or preference that can be implemented merely by addressing the programming of the test protocol and/or hardware and/or software.

Response to Arguments

8. Applicant's arguments filed 6/8/05 have been fully considered but they are not persuasive.

Applicant's arguments regarding all claims except for claim 27, 28, and new claims 47 – 51 are directed to the assertion that none of the cited prior art teaches the newly added limitations of "receiving data from a customer designating routing

destinations for service routing calls" or "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations indicated by the customer data.

Examiner refers applicant to Col. 10, line 55 – Col. 11, line 39 of Kennedy et al. Here, Kennedy et al. explicitly teaches that a service request message 58 which is generated by or from a user action includes data that determines or helps the system to determine the appropriate service center the request to go to, reading on the claimed routing destination indicated by the customer data. If certain data determines how to route a call or request, that data is / includes routing destination information / designation.

Even in Riskin, wherein a customer may dial a certain code or number that matches up with a certain dealer or service provider, this code or number reads on received customer data that designates a routing destination because that code or number determines which service center or provider the customer's call will be routed to. As to applicant's arguments regarding Riskin, they are misplaced and wholly irrelevant. Examiner has not used Riskin to show that a customer my configure a database, but rather that dependent upon a certain number dialed, a call is routed in a certain way. Applicant's claim language does not suggest that a customer may configure a database based on receiving data from a customer either.

As to applicant's arguments regarding claim 28, they have been addressed in the above rejection. Furthermore, examiner's previous response was proper. Applicant's previous arguments were drawn only to the Kennedy et al. reference. Examiner stated

in the previous rejection to see the rejection of claim 1 which included newly cited references which examiner believed would address the limitations of claim 28. If applicant wanted to take issue with examiner's interpretation or use of the newly cited references, Fields et al. and Aoyama, arguments should and were given. Applicant has no grounds for claiming that examiner did not fully respond to applicant's arguments in this instance.

As to applicant's arguments regarding claims 47 – 51, they are addressed in the above rejection for the first time as these claims are newly added claims.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 571-272-7480. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa
Examiner
Art Unit 2642

H.A.A.
September 2, 2005

BING Q. BUI
PRIMARY EXAMINER